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9	BEFORE THE	
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS	
11	STATE OF C	CALIFORNIA
12	In the Matter of the Accusation Against:	Case No. 2013-432
14	NANCY BROWNLOW a.k.a. NANCY LOUISE BROWNLOW	
15	2012 Timberwolf Trail Palm Bay, FL 32909	ACCUSATION
16	Registered Nurse License No. 580379	
17	Respondent.	
18		
19	Complainant alleges:	
20	<u>PARTIES</u>	
21	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
22	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
23	Consumer Affairs.	
24	2. On or about May 1, 2001, the Board of Registered Nursing issued Registered Nurse	
25	License Number 580379 to Nancy Brownlow, a.k.a. Nancy Louise Brownlow (Respondent). The	
26	Registered Nurse License was in full force and effect at all times relevant to the charges brought	
27	herein and will expire on February 28, 2013, unless renewed.	
28	///	
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JURISDICTION

- 3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Code section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

- 6. Code section 2761 states: "the board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
 - "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

- 7. Code section 4021 states that a "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code."
- 8. Code section 4022 sets forth that a "Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in humans or animals, and includes the following:
- "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without prescription,' 'Rx only' or words of similar import.

- "(b) Any device that bears the statement: 'Caution: federal law restricts this device to sale by or on the order of a _____,' 'Rx only,' or words of similar import . . .
- "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."
- 9. **Butalbital** is a Schedule III controlled substance as designated by Health and Safety Code section 11056(c)(3), and a dangerous drug as designated by Business and Professions Code section 4022.

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Out of State Discipline) (Bus. & Prof. Section 2761, subd. (a)(4))

- 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about December 12, 2006, *In the Matter of Nancy Brownlow R129636*, the Maryland Board of Nursing (Maryland Board) made Findings of Fact, Conclusions of Law and by majority vote of a quorum of the Maryland Board, thereon entered an Order revoking Respondent's license to practice nursing in the State of Maryland. The circumstances are as follows:
- 12. On or about February 6, 1997, Respondent entered into a Participation Agreement (Agreement) with the Maryland Board's Rehabilitation Committee due to Respondent having tested positive for Butalbital on or about January 19, 1996, in a new employee drug screen submitted for employment with Anne Arundel Medical Center in Annapolis, Maryland. The Agreement required that Respondent comply with terms and conditions including providing the

Maryland Board with written quarterly progress reports, as well as notifying the Maryland Board of her address and telephone number in the event she moved permanently. Further, Respondent consented to the stipulation that her case would be referred to the Rehabilitation Program or its equivalent in any state that she becomes licensed to practice nursing.

- 13. On or about June 13, 2001, the Maryland Board attempted to contact Respondent by letter to request that she provide contact information for the California Nursing Board's peer assistance program. Respondent did not respond to the Maryland Board's letter or otherwise provide the Maryland Board with documentation as requested.
- 14. On or about June 20, 2003, the Maryland Board provided notice to Respondent that she was being charged with violation of the Maryland Nursing Act and advised her of her right to hearing. Respondent failed to comply with the terms and conditions of her agreement with the Maryland Board.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 580379, issued to Nancy Brownlow, a.k.a. Nancy Louise Brownlow (Respondent);
- 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: November 28, 2012

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California

Complainant

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